



House Energy and Technology Committee
Testimony

Support for 2013 Senate Draft of the “MISS DIG Act”

October 2013

MISS DIG System Inc. supports the 2013 Senate Draft of the "MISS DIG Act", which is an effort to update Public Act 53 of 1974, better known for many years as the MISS DIG law.

The MISS DIG System began in 1970 and was the second one-call center for underground utility damage prevention in the country. Others recognized MISS DIG as the premier one-call center across the country and we hosted many other state representatives during their effort to create their own one-call center. Obviously the name "one-call" was significant because excavators, homeowners, utilities and anyone who wanted to dig only had to call one toll-free number to reach the underground utilities to determine the location of buried utility lines. In addition to notification requests made my phone, MISS DIG System receives notification requests via the internet with our e-Locate program, primarily used by home owners for residential excavating projects for single address tickets; and Remote Ticket Entry for larger projects. MISS DIG System is moving from a one-call to a web based notification system. MISS DIG System remains committed to one-call/811 process but has also recognizes the need to allow access through the internet to promote underground safety.

MISS DIG has many firsts in our industry: The first state-wide one call center, the first computerized call center, the first one-call to operate 7x24, the first center to accept overhead electric notifications, the first one-call center to receive one million locate requests and most significantly the first one-call center to have a law passed for the purpose of protecting the general public from interruption of utility service as a result of dig-ins to underground utility lines.

The beginning of MISS DIG was the result of the effort of major utility companies, some which are here today, to help reduce costly damages to their underground infrastructure and the potential of those damages resulting in property damage, personal injury and even death of employees and possibly the general public.

I would like to remind the Committee that MISS DIG is a free service for anyone wanting to dig in Michigan. The contact with MISS DIG by phone or internet is free and there is no charge to mark the underground utility lines. The operation of MISS DIG is not funded by the state but financially supported by the members of the MISS DIG System. MISS DIG is strictly an in-bound notification center and we do not provide the marking of the utility lines – this is performed by the utilities or their contractor.

We have received in nearly 21 million requests for location of underground utility lines, which will result in more than 210 million locates, by the more than 1000 members of the MISS DIG System. These members represent gas, pipeline, communication, and electric, cable TV, municipal, public agency and private non-utility businesses, such as colleges, hospitals, libraries and most recently environmental sites and wind farms.

Unfortunately, while we have many firsts to our credit and continue to be looked as one of the leaders in the one-call industry, we have fallen behind the national movement to improve our damage prevention laws.

2013 Senate Draft of the “MISS DIG Act” is the result of a joint effort of various stakeholders to improve damage prevention and the efforts of the MISS DIG System. MISS DIG has been actively involved in this process for over seven years.

MISS DIG has been asked to testify in court regarding certain parts of our law when there is obvious disagreement about who is responsible for damage to an underground utility line. The current law is very vague in many areas and it is extremely difficult for judges, and even attorneys, to understand the law and how it should be interpreted. There are very few definitions in the law and, as a result, it is left up to interpretations.

The 2013 Senate Draft of the “MISS DIG Act” will help reduce the need for interpretations by clarifying what is expected by all parties in an effort to reduce dig-in damages.

This bill will eliminate the need to try to understand questions like “should I make a locate request?” Do I have to make a locate request? Do I have to hand dig before using power equipment? It clarifies that everyone has to call if they are doing any type of digging or disturbing of the ground.

It emphasizes that anyone who has an underground utility line that provides service must be a member of the MISS DIG System.

It guides the utility companies on their responsibility about locating the underground utility lines in a timely manner and if they don't or can't, that they must render additional assistance to the requesting party.

It requires the MISS DIG System to receive and process locate requests in a timely manner and while being cost-effective to its members.

Unfortunately, we all know everyone doesn't abide by laws; however, the "MISS DIG Act" allows for penalties to be assessed against those that do not abide by the law. A penalty is necessary to change the behavior of those who do not place locate requests when required and interrupt underground utility service.

In the more than forty years of MISS DIG's operation, houses and buildings have been demolished as a result of contact with underground gas lines, and water sources polluted because of damage to an underground sewer lines during digging. Excavators, homeowners and innocent bystanders have been injured and killed because of these unfortunate and preventable occurrences.

The citizens of Michigan deserve to have the utility infrastructure that provides them warmth, light and communication to be protected from unnecessary interruption. The citizens should not have to worry about the loss of these services, as a result of damage to an underground utility line just because notice was not made before digging, or because a utility company, government agency, or municipality did not mark their facilities.

To help ensure that utilities are there when citizens need them and that people are not injured when digging, the 2013 Senate Draft of the "MISS DIG Act" incorporates the best practices put in place more than seven years ago through a collaborative effort of the members of the Michigan Damage Prevention Board. Passing of the "MISS DIG Act" will improve on the current Public Act 53 and will mark a historic change in the State of Michigan's commitment to Public Safety, and will put us back on track as a leader in utility damage prevention.

MISS DIG is currently charged with education of the general public and excavators regarding underground utility safety. MISS DIG expanded their education efforts in 2009 by joint ventures in public awareness with DTE and Consumers Energy. 2012 saw SEMCO and TransCanada come onboard. We have also utilized PHMSA Grants with MPSC; and increased education fees from our membership. These partnerships with MISS DIG have resulted in notification requests outpacing construction growth by 27% over this time period. MISS DIG may lose valuable grant monies from PHMSA if this legislative action is not successful, thereby weakening our education efforts and endangering the residents of Michigan. MISS DIG is prepared to meet the challenges of

increased education efforts to promote this new legislation and will seek expanded partnerships in the agricultural community.

Although Miss DIG supports the 2013 Senate Draft of the "MISS DIG Act", MISS DIG System believes that the exemptions related to farming operations are not in keeping with the spirit of the proposed legislation and would prefer that those exemptions not be in the Bill. Whether the exemptions remain in the bill or not, MISS DIG believes with increased education and interface with the Agricultural community, gains will be made that will make these exemptions irrelevant. . MISS DIG would ask the committee and the Farm community to reconsider their position and contact MISS DIG before turning the earth by any mechanical means outside of the right of way in excess of 18 inches.

We hope the Committee will agree that this is the right thing to do for the citizens of Michigan and the protection of the utility infrastructure, and sends this bill for approval by the legislature.



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